

John Boehner
Chairman
8th District, Ohio

House Meets at 10:00 a.m. for Legislative Business

Anticipated Floor Action:

H.R. 2493—Forage Improvement Act

H.R.1270—Nuclear Waste Policy Act

H.R. 2724—HELP Scholarships Act

H.R. 2616—Charter Schools Amendment Act

Privileged Resolutions Regarding the Sanchez-Dornan Contested Election



H.R. 2493—Forage Improvement Act

Floor Situation: The House is scheduled to consider H.R. 2493 as its first order of business today. Yesterday, the House completed debate, but did not vote on, a modified-open rule that provides one hour of general debate, with 30 minutes equally divided between the chairman and ranking minority member of the Resources Committee and 30 minutes equally divided between the chairman and ranking minority member of the Agriculture Committee. The rule limits total debate on amendments to three hours and makes in order a committee amendment in the nature of a substitute as base text. In addition, the rule makes in order a manager's amendment by Mr. Smith (OR), debatable for 10 minutes equally divided between a proponent and an opponent. The rule accords priority in recognition to members who have their amendments pre-printed in the *Congressional Record*. The chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, provided that it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.R. 2493 makes a number of changes to the way federal agencies govern livestock grazing on public lands. Specifically, the bill (1) establishes a statutory fee formula (which is expected to increase the grazing fee by 36 percent); (2) requires science-based monitoring of rangeland health; (3) encourages voluntary coordinated allotment management plans; (4) clarifies that subleases of permits are illegal; and (5) streamlines conflicting Forest Service and Bureau of Land Management regulations.

Assuming appropriations of the estimated amounts, CBO estimates that enactment of H.R. 2493 will increase discretionary spending by \$10 million over the FY 1998-2002 period. In addition, CBO estimates that enactment will increase the federal government's net income from grazing fees by \$5.6 million over the same period. The bill was introduced by Mr. Smith (OR). The Agriculture Committee reported the bill by voice vote on September 24, 1997; the Resources Committee passed the bill by a vote of 22-7 on October 22.

Views: The Republican leadership supports passage of the measure. An official Clinton Administration viewpoint was unavailable at press time. Unofficially, however, administration officials have voiced opposition to the bill and have urged the president to veto it.

Amendments: The rule makes in order a manager's amendment by Mr. Smith (OR), to be offered before any other amendment, debatable for 10 minutes equally divided between a proponent and an opponent.

— *Manager's Amendment* —

Mr. Smith (OR) will offer a manager's amendment that makes several substantive changes to the bill, as well as a couple of technical and conforming amendments. Specifically, the amendment:

- * strikes the section of the bill that codifies Resource Advisory Councils (RAC);
- * strikes the section prohibiting federal agencies from requiring public access of private land as a condition for issuing or renewing a grazing permit. Eliminating this provision essentially retains the status quo, since (1) the Federal Land Policy and Management Act (FLPMA) contains a provision addressing this issue; and (2) the Supreme Court ruled that this type of action is unconstitutional in *Dolan v. City of Tigard*;
- * changes the definitions of allotment and base property to include the word "associated" instead of "appurtenant." Some members have raised concerns that the use of the term "appurtenant" conveys an implied property right, although sponsors insist that this was not the intent of the provision; and
- * strikes the definition of the phrase "consultation, cooperation, and coordination."

Staff Contact: Doug Badger, x5-6730

At press time, the *Legislative Digest* was aware of the following other amendments to H.R. 2493:

Mrs. Chenoweth may offer a series of amendments, either *en bloc* (#1) or individually (#2, #3, #4, or #7), to make a number of changes to the bill. These changes include:

- * clarifying that the definition of "multiple use" is identical to that defined in the FLPMA. The sponsor is concerned that, through the promulgation of new regulations, the bill will allow the Interior Secretary to redefine "multiple use;"
- * redefining the term "allotment." The sponsor contends that the current definition in the bill will threaten private property rights;
- * striking the definition of "base property." The sponsor is concerned that the definition in the bill will allow the Interior Secretary to affix any private property to a grazing preference right when that right is being transferred; and

- * changing the grazing fee formula. The amendment establishes a fee based on the private grazing forage market and is determined through indexing a base fee to changes in that market. **Staff Contact: Greg Peek, x5-6611**

Mr. Klug may offer an amendment to modify the grazing fee formula in the bill to require operators of grazing lands to pay a rate equal to the state grazing fee for the particular state. **Staff Contact: Kathy Hahn, x5-2906**

Mr. Miller (CA) may offer an amendment (#12 or #13) to modify the grazing fee for permits held or controlled by a foreign corporation or individual. Specifically, the amendment requires foreign permit-holders to pay a rate equal to either (1) the average grazing fee charged by the state on state-owned lands, or (2) the average private grazing fee in the state where the federal lands are located, whichever is higher. **Staff Contact: Rick Healy, x6-2311**

Mr. Vento may offer an amendment (#10) to modify the grazing fee formula in the bill. Specifically, the amendment requires operators of grazing lands of less than 2,000 AUMs to pay a grazing fee equal to the formula in the bill. However, the amendment also requires grazing land operators with more than 2,000 AUMs to pay a grazing fee equal to the bill's rates for the first 2,000 AUMs and, for any AUMs in excess of 2,000, pay a rate equal to (1) the average grazing fee for the particular state; or (2) the level of the grazing fee in the bill plus 25 percent, whichever is higher. **Staff Contact: Terry Klein, x5-6631**

Mr. Vento may offer an amendment (#11) to restore the definition of animal unit month (AUM) to its current status. The bill currently defines AUM as the amount of forage needed to sustain one animal unit (one cow and calf, one horse, or seven sheep or seven goats) for one month. The amendment restores the number of sheep and goats per AUM from seven to five, as it is under current law. **Staff Contact: Terry Klein, x5-6631**

Additional Information: See *Legislative Digest*, Vol. XXVI, #30, October 24, 1997.



H.R. 1270—Nuclear Waste Policy Act

Floor Situation: The House will continue considering amendments to H.R. 1270 after it completes consideration of H.R. 2493. Yesterday, the House completed general debate and began considering amendments under a structured rule. The rule makes in order a committee amendment in the nature of a substitute as base text, and waives Congressional Budget Act requirements that the Budget Committee report provisions within its jurisdiction. It also waives House rules which prohibit appropriations in an authorization measure. The rule makes in order 10 amendments, debatable in the order listed and for the amount of time specified below. The chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

After passage of H.R. 1270, the rule provides for consideration of a motion to call up S. 104 (the Senate version of the bill), strike all after the enacting clause, and insert the text of the House-passed version of H.R. 1270. After adoption of the motion, the rule makes in order a motion for the House to insist on its amendment to S. 104 and request a conference.

Summary: H.R. 1270 revises the 1987 Nuclear Waste Policy Act (*P.L. 100-202* and *P.L. 100-203*) to address problems and delays that have occurred during the development of an interim storage site and a permanent disposal site for nuclear waste. Specifically, the bill (1) outlines procedures by which the waste will be transported to an interim storage site; (2) enhances safety and emergency training of public safety officials in states that the waste will be transported through; (3) extends the date for which the Department of Energy must begin accepting waste at an interim site from 1998 to 2002; (4) increases the amount of waste that may be accepted at the interim site; and (5) replaces the user fee, which is based on a flat rate, with a fee based on the amount needed to complete the project.

CBO estimates that enactment will result in total outlays of \$4 billion, and total offsetting receipts of \$1.7 billion over the next five years. The bill affects direct spending, so pay-as-you-go procedures apply. The bill was introduced by Mr. Upton et al. and ordered reported by the Commerce Committee by a vote of 43-3. The Resources Committee ordered the bill reported unfavorably by voice vote and the Transportation Committee discharged the bill without taking action.

Views: The Republican Leadership supports passage of the bill. The Clinton Administration has threatened to veto the bill. The administration is particularly concerned with establishing an interim storage facility before the viability assessment of the permanent disposal site is complete.

Amendments: The House completed debate, but did not vote on, the following amendments:

- * an amendment by **Mr. Ensign** to require a risk assessment and cost benefit analysis to be conducted before the Department of Energy can carry out any provision in the bill. The member argues that the long-term impacts of disposing nuclear waste should be thoroughly evaluated to ensure that the environment and the public will be protected. Opponents argue that the amendment will bog down the project in endless studies which have already been conducted. *Staff Contact: Windsor Laing, x5-5965*
- * an amendment by **Mr. Gibbons** to require that each state that nuclear waste will travel through must certify that a prepared emergency response team is ready to handle any accident that may occur during transport. *Staff Contact: Jack Victory, x5-6155*
- * an amendment by **Mr. Ensign** to prohibit DOE from planning transportation routes during a fiscal year unless sufficient funds have been appropriated to support emergency response teams in states through which nuclear waste is being transported. *Staff Contact: Windsor Laing, x5-5965*
- * an amendment by **Mr. Markey** to permit the EPA to promulgate radiation standards. The bill currently repeals the EPA's authority to do so and sets a standard of 100 millirems of radioactivity per year. *Staff Contact: Michal Freedhoff, x5-5965*

- * an amendment by **Mr. Gibbons** to eliminate the cap on the user fee that may be collected. Under the bill, the limit is 1.5 mill or 15 hundredths of a cent per kilowatt hour. The member argues that as reactors shut down, fewer users will remain to contribute to the fund. Therefore, lifting the cap will ensure that DOE has the authority to collect sufficient funds to complete the project. Opponents of the amendment argue that removing the cap gives DOE a blank check. **Staff Contact: Jack Victory, x5-6155**
- * an amendment by **Mr. Traficant** to require that contracts granted to carry out the provisions in the bill to comply with the Buy American Act. The amendment expresses the sense of Congress that contractors who receive funds under the bill should purchase only American-made products, and bars any person who has been convicted of fraudulently using a “Made in America” inscription, or any inscription with the same meaning, from receiving any contract or subcontract involving funds authorized by the bill. **Staff Contact: Dan Blair, x5-5261**

Under the structured rule, the following amendment remains to be considered:

Ms. Millender-McDonald will offer a substitute amendment, debatable for 30 minutes, to strike all of the provisions in H.R. 1270 and maintain current law, except for bill provisions which change the user fee. The substitute retains the 1998 deadline for accepting waste at an interim site and requires the Yucca Mountain permanent disposal site to be licensed before construction of the interim site may commence. The member argues that the federal government should uphold its obligation to take responsibility for nuclear waste and that all studies should be completed to evaluate the safety of the site before any waste is relocated. Opponents of the amendment argue that it is impossible to meet the 1998 deadline for accepting waste and that unless the law is changed, DOE will become involved in an endless string of lawsuits. **Staff Contact: Marcus Mason, x5-7924**

Additional Information: See *Legislative Digest*, Vol. XXVI, #30, October 24, 1997.



H.R. 2724—HELP Scholarships Act

Floor Situation: The House will consider H.R. 2724 after it completes consideration of H.R. 1270. Yesterday, the Rules Committee granted, as part of the rule for H.R. 2616, a closed rule providing for two hours of general debate, equally divided between the chairman and ranking minority member of the Education & the Workforce Committee. Finally, the rule provides for one motion to recommend, with or without instructions. After passage of both H.R. 2616 and H.R. 2747, the rule provides that both bills will be engrossed together and sent to the Senate as a single bill (H.R. 2616).

Summary: H.R. 2724 authorizes states to use Title VI block grants under the Elementary and Secondary Education Act to provide scholarships to low-income families to send their children to private schools, including religious schools. The bill stipulates that states which choose to offer scholarships must use the funds to expand parental choice of schools in poor communities, and provide scholarships only to families who earn less than 185 percent of the poverty level. The bill

also stipulates that each scholarship must be equivalent to at least 60 percent of the per pupil expenditure, but no more than 100 percent of the per pupil expenditure of the district. A CBO cost estimate was unavailable at press time. The bill was introduced by Mr. Riggs et al., but not considered by a committee.

Views: The Republican Leadership supports passage of the measure. An official Clinton Administration viewpoint was unavailable at press time. Unofficially, however, the administration has voiced strong opposition to voucher programs.

Additional Information: See *Legislative Digest*, Vol. XXVI, #30, October 24, 1997.



H.R. 2616—Charter Schools Amendment Act

Floor Situation: The House will consider H.R. 2616 after it completes consideration of H.R. 2747. Yesterday, the Rules Committee granted an open rule providing one hour of general debate, equally divided between the chairman and ranking minority member of the Education & the Workforce Committee. It makes in order a committee amendment in the nature of a substitute as base text. The rule also makes in order a manager's amendment by Mr. Riggs, debatable for 10 minutes equally divided between a proponent and an opponent. The rule grants priority in recognition to members who have their amendments pre-printed in the *Congressional Record*. The Chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, provided that it takes place following a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

After passage of both H.R. 2616 and H.R. 2747, the rule provides that both bills will be engrossed together and sent to the Senate as a single bill (H.R. 2616).

Summary: H.R. 2616 authorizes \$100 million for charter schools for FY 1998 and amends the Public Charter Schools Act (*P.L. 103-382*) to provide financial assistance to start new public charter schools, increase the total number of charter schools, and evaluate their success. The bill creates a tier by which charter school grants may be distributed based on certain criteria and prioritizes funding to schools that meet the most criteria. The bill also (1) includes charter schools as a possible recipient of funds for the flexible Title VI block grants to states to improve education; (2) reduces—from 10 percent to five percent of the annual appropriation—the amount that the Education Secretary can spend at the federal level; (3) requires the Education Secretary to guarantee that each charter school receives all federal funds that it is eligible for during the first calendar year that it is open, and (4) extends from three to five years the period during which charter schools may qualify for a federal grant. CBO estimates that enactment will result in total discretionary outlays of \$455 million over the next five years. The bill was introduced by Mr. Riggs and was ordered reported by the Education & the Workforce Committee by a vote of 24-8.

Views: The Republican Leadership supports passage of the measure. The Clinton Administration supports the bill generally, but is concerned about increasing the period during which charter schools may qualify for federal grants.

Amendments: The rule makes in order a manager's amendment by Mr. Riggs, debatable for 10 minutes equally divided between a proponent and an opponent:

— *Manager's Amendment* —

Mr. Riggs will offer a manager's amendment, debatable for 10 minutes, to (1) clarify that state distribution of information about the best charter school practices should be done with minimum paper work by the school and the state, and (2) require that new and expanding charter schools receive all the federal funds they are eligible for within the first five months of opening. **Staff Contact: Denzel McGuire, x5-6558**

At press time, the *Legislative Digest* was aware of the following other amendments to H.R. 2616:

Mr. Clyburn may offer an amendment to require states that apply for charter school funds to ensure that the population of a charter school reflects similar racial and gender composition as other public schools in the area. The member argues that charter schools are public schools and therefore should reflect the racial and gender composition of the community. Opponents argue that some charter schools are started to reach at-risk students and, therefore, are less likely to represent the composition of entire community. **Staff Contact: Lindy Birch, x5-3315**

Ms. Hooley may offer one of two amendments (#2 or #3) to maintain the current law definition of charter schools. The bill changes the definition to require a specific state law regarding charter schools and a written contract for the charter which is agreed upon by the school and the chartering agency. The member argues that under current law, the charter schools in the state of Oregon qualify for federal funds, but would not under the bill. Opponents of the amendment argue that a specific contract is essential to separate a charter school from a traditional school, as well as bind the school to measures of success. **Staff Contact: Grey Gardner, x6-8046**

Mr. Martinez may offer an amendment to require charter applicants to specify how they will meet the needs of students with disabilities as required by the Individuals with Disabilities in Education Act (IDEA, *P.L. 105-17*). The member argues that several charter schools are not complying with the federal statute and requiring a written plan will promote compliance. Opponents argue that the charter schools are already required to comply with IDEA and that the amendment places a reporting requirement on charter schools that is not required by other public schools. **Staff Contact: Alex Knox, x5-3725**

Mr. Martinez may offer an amendment to (1) place priority for national funds on evaluating charter schools and (2) expand the scope of the evaluation to include admission and staffing procedures. The Education Department is currently conducting a four-year evaluation of the impact of charter schools on student achievement. Under the bill, priority for national funds is placed on helping charter schools solicit private funds. **Staff Contact: Alex Knox, x5-3725**

Mr. Martinez may offer an amendment to maintain current law provisions which allow charter schools to receive federal grants for three years. The bill currently increases the time charter schools may qualify for federal grants to five years. The member argues that federal grants are intended only for start-up costs, but providing federal funding to charter schools for five years contributes to operating expenses. Opponents of the amendment argue that the first five years of a charter school

are crucial and extending a school's grant eligibility may make a difference in whether the school is successful or not. **Staff Contact: Alex Knox, x5-3725**

Mr. Martinez may offer an amendment to require that charter schools receive federal funds (i.e., Title I and IDEA funding) in the same manner as other public schools. Assuming that the manager's amendment is adopted, the bill requires that charter schools receive all federal funds within the first five months of operation. In the past, several charter schools have not received all the federal funds they qualify for because the funds are based on the previous year's enrollment, so statistics are not available for the current year. The member argues that charter schools are public schools and should be subject to the same federal laws. Opponents argue that the number one reason charter schools fail is because they do not receive federal funds during the first year of operation, and that the amendment replaces one of the largest road blocks charter schools face. **Staff Contact: Alex Knox, x5-3725**

Mr. Traficant may offer an amendment (#1) to require that contracts granted to carry out the provisions in the bill to comply with the Buy American Act. The amendment expresses the sense of Congress that contractors who receive funds under the bill should purchase only American-made products, and bars any person who has been convicted of fraudulently using a "Made in America" inscription, or any inscription with the same meaning, from receiving any contract or subcontract involving funds authorized by the bill. **Staff Contact: Dan Blair, x5-5261**

Additional Information: See *Legislative Digest*, Vol. XXVI, #30, October 24, 1997.



Privileged Resolutions Regarding the Sanchez-Dornan Contested Election

Floor Situation: The House may consider eight privileged resolutions regarding the contested election in the 46th congressional district in California (Loretta Sanchez vs. Robert K. Dornan) after it completes consideration of H.R. 2616. The resolutions are each debatable for one hour.

Summary: The identical resolutions—by Mr. Menendez, Mr. Becerra, Ms. Norton, Mr. Condit, Ms. Roybal-Allard, Ms. Hooley, Ms. Waters, and Mr. Dooley, respectively—each mandate that the contested election regarding the 46th congressional district in California be dismissed after October 31 unless the House Oversight reports a final recommendation on the matter before that date. The resolutions were introduced on October 28, 1997.



PLEASE NOTE: UNDER AN OPEN RULE, MEMBERS MAY OFFER NEW AMENDMENTS TO A BILL AT ANY TIME, REGARDLESS OF WHETHER THEY HAVE BEEN PRE-PRINTED IN THE *CONGRESSIONAL RECORD*.

House

REPUBLICAN

Conference

Amendment

Alert!

Please attach the text of the amendment (if available) and fax to the *Legislative Digest* at x5-7298

John Boehner
Chairman
8th District, Ohio

Member Sponsoring Amendment: _____ Bill #: _____

Additional Co-sponsors (if any): _____

Staff Contact: _____ Phone #: _____ Evening Phone #: _____

Description of the amendment: _____

(Please include any additional or contextual information)

Reason for offering amendment (e.g., How will this change the bill or current law? Why should members support this change?): _____

Legislative Digest reserves the right to edit descriptions for style, readability, and provisional accuracy.

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